

1
2 THE LAW OFFICES OF RANDOLPH H. GOLDBERG
3 RANDOLPH H. GOLDBERG, ESQ.
4 4000 S. Eastern Avenue, Suite 200
5 Las Vegas, Nevada 89119
(702) 735-1500
Attorney for Debtor
Nevada State Bar no. 5970

6 UNITED STATES BANKRUPTCY COURT

7 DISTRICT OF NEVADA

8 * * * * *

9 In re:) BANKRUPTCY NUMBER:
10 MANUEL CAMACHO &) BK-S-08-24581-LBR
LIONA CAMACHO) Chapter 13
11)
Debtor.)
12) Date: 3/05/2009
Time: 3:00 pm

13
14 **MOTION TO VALUE COLLATERAL, "STRIP OFF" AND MODIFY RIGHTS**
15 **OF NATIONAL CITY BANK PURSUANT TO 11 U.S.C. §506(a) AND §1322**

16 Now Comes, MANUEL & LIONA CAMACHO (hereinafter the "debtor"), by the
17 law firm of Randolph H. Goldberg., and attorney Randolph H. Goldberg, Esq., and
18 moves
19 this Court pursuant to 11 U.S.C. §506(a), and §1322, and Bankruptcy Rules 3012 and
20 9014 and states:

21 1. Debtor filed the instant Chapter 13, Case Number 08-24581 on December 5, 2008.
22 2. On the petition date, debtor owned real property located at 2132 FRANKLIN AVE,
23 Las Vegas, Nevada 89104 (hereinafter the "Subject Property").
24 3. The value of the Subject Property was \$238,000.00 at the time the instant
petition was filed.

25 4. At the time of filing the instant petition, the Subject Property was subject to
the following liens:

26 **SPECIALIZED LOAN SERVICES** (First Mortgage): \$137,000.00

27 5. Therefore, on the date the instant bankruptcy was filed, no equity existed in
the Subject Property above the claims of **NATIONAL CITY BANK**.

6. **NATIONAL CITY BANK's** claim was wholly unsecured on the petition
date and if the Subject Property was sold at auction **NATIONAL CITY BANK** would
receive nothing.

7. Accordingly, the debtor requests that Your Honor find that **NATIONAL CITY BANK's**
claim is unsecured and should be reclassified as a general
unsecured claim to receive pro rata with other general unsecured creditors through the
debtor's chapter 13 plan.

LEGAL ARGUMENT

In *In re Zimmer*, 313 F.3d 1220 (9th Cir. 2002), the Court stated that a wholly
unsecured lien holder's claim can be modified and reclassified as a general unsecured

claim pursuant to 11 U.S.C. §506(a), despite the anti-modification language in §1322(b)(2). Specifically, the Court held:

Section 506(a) divides creditors' claims into "secured...claims" and "unsecured claims." Although the conventional interpretation of "secured" might include any claim in which the creditor has a security interest in the debtor's property, § 506(a) makes clear that the status of a claim depends on the valuation of the property. An allowed claim of a creditor secured by a lien on property in which the estate has an interest ... is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property ... and is an unsecured claim to the extent that the value of such creditor's interest ... is less than the amount of such allowed claim

...
To put it more simply, a claim such as a mortgage is not a "secured claim" to the extent that it exceeds the value of the property that secures it. Under the Bankruptcy Code, "secured claim" is thus a term of art; not every claim that is secured by a lien on property will be considered a "secured claim." Here, it is plain that **NATIONAL CITY BANK's** claim for the repayment of its loan is an unsecured claim, because its deed of trust is junior to the first deed of trust, and the value of the loan secured by the first deed of trust is greater than the value of the house.

Accordingly, since **NATIONAL CITY BANK's** claim is wholly unsecured (in that there is no extant equity above the first mortgage in the Subject Property), Your Honor should reclassify **NATIONAL CITY BANK's** claim to a general unsecured claim to be receive pro rata with like unsecured creditors. **NATIONAL CITY BANK** should also be stripped of its secured rights under State law since no maintainable security interest in the subject property exists. Further, the debtor is not required to file an adversary proceeding to achieve the requested relief herein. Debtor may bring a motion to "strip off" **NATIONAL CITY BANK's** consensual lien by motion. See *In re Williams*, 166 B.R. 615 (Bankr.E.D.Va.1994), *In re Fuller*, 255 B.R. 300 (Bankr.W.D.Mich.2000), *In re Hoskins*, 262 B.R. 693 (Bankr.E.D.Mich.2001), *In re King*, 290 B.R. 641 (Bankr.C.D.Ill.2003), *In re Millspaugh*, 302 B.R. 90 (Bankr.D.Idaho 2003), *Dickey v. Ben. Fin. (In re Dickey)* 293 B.R. 360 (Bankr.M.D.Pa.2003), *In re Hill*, 304 B.R. 800 (Bankr.S.D.Ohio 2003); *In re Sadala* 294 B.R. 180 (Bankr.M.D.Fla.2003), *In re Fisher*, 289 B.R. 544 (Bankr.W.D.N.Y.2003), *In re Robert*, 313 B.R. 545 (Bankr.N.D.N.Y.2004), *In re Bennett*, 312 B.R. 843 (Bankr.W.D.Ky.2004).

WHEREFORE, Debtor prays that this Court:

1. "Strip off" and extinguish **NATIONAL CITY BANK's** wholly unsecured lien pursuant to 11 U.S.C. Section 506(a) upon completion of the debtor's chapter 13 plan payments;
2. Reclassify **NATIONAL CITY BANK's** claim as a general unsecured claim to be paid pro rata with other general unsecured creditors through the debtor's chapter 13 plan.

1
2 3. Such other relief the Court finds appropriate.

3
4 DATED this 28th of January, 2008.

5
6 THE LAW OFFICES OF
7 RANDOLPH H. GOLDBERG
8 By /s/RANDOLPH GOLDBERG/s/
9 RANDOLPH H. GOLDBERG, ESQ.
4000 S. Eastern
Suite 200
Las Vegas, Nevada 89119
Attorney for Debtor
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APPRAISAL OF REAL PROPERTY

LOCATED AT:

2132 FRANKLIN AVENUE
LOT 9, BLOCK 2 OF EASTWOOD TRACT #1 AMD
LAS VEGAS, NV 89104

FOR:

MANUEL CAMACHO

AS OF:

DECEMBER 16, 2008

BY:

TRISTA CATER
C & R APPRAISAL COMPANY

RESIDENTIAL APPRAISAL SUMMARY REPORT

Property Address: 2132 FRANKLIN AVENUE		City: LAS VEGAS		State: NV		Zip Code: 89104	
County: CLARK		Legal Description: LOT 9, BLOCK 2 OF EASTWOOD TRACT #1 AMD					
Tax Year: 08-09		R.E. Taxes: \$ 702.37		Special Assessments: \$ NONE		Assessor's Parcel #: 162-01-210-018	
Current Owner of Record: CAMACHO		Occupant: <input checked="" type="checkbox"/> Owner		<input type="checkbox"/> Tenant		<input type="checkbox"/> Vacant	
Project Type: <input type="checkbox"/> PUD <input type="checkbox"/> Condominium <input type="checkbox"/> Cooperative <input type="checkbox"/> Other (describe)		HOA: \$ N/A		<input type="checkbox"/> per year		<input type="checkbox"/> per month	
Market Area Name: EASTWOOD TRACT #1 AMD		Map Reference: 55-E1		Census Tract: 0012.00			
The purpose of this appraisal is to develop an opinion of: <input checked="" type="checkbox"/> Market Value (as defined), or <input type="checkbox"/> other type of value (describe)							
Approaches developed for this appraisal: <input checked="" type="checkbox"/> Sales Comparison Approach <input type="checkbox"/> Cost Approach <input type="checkbox"/> Income Approach (See Reconciliation Comments and Scope of Work)							
Property Rights Appraised: <input checked="" type="checkbox"/> Fee Simple <input type="checkbox"/> Leasehold <input type="checkbox"/> Leased Fee <input type="checkbox"/> Other (describe)							
Intended Use: THE INTENDED USE OF THIS APPRAISAL REPORT IS FOR THE BANKRUPTCY COURT TO EVALUATE THE PROPERTY THAT IS THE SUBJECT OF THIS APPRAISAL FOR A BANKRUPTCY FILING.							
Intended User(s) (by name or type): THE INTENDED USER IS THE PROPERTY OWNER AND THE BANKRUPTCY ATTORNEY/COURT.							
Client: MANUEL CAMACHO		Address: 2132 FRANKLIN AVENUE, LAS VEGAS, NV 89104					
Appraiser: TRISTA CATER		Address: LAS VEGAS					
Location: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural		Predominant Occupancy: <input checked="" type="checkbox"/> Owner		One-Unit Housing PRICE \$ (000)		Present Land Use One-Unit 65 %	
Built up: <input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%		<input type="checkbox"/> Tenant		AGE (yrs)		<input checked="" type="checkbox"/> Not Likely	
Growth rate: <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow		<input type="checkbox"/> Vacant (0-5%)		23 Low 10		<input type="checkbox"/> Likely * <input type="checkbox"/> In Process *	
Property values: <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining		<input type="checkbox"/> Vacant (>5%)		648 High 65		Multi-Unit 10 %	
Demand/supply: <input type="checkbox"/> Shortage <input type="checkbox"/> In Balance <input checked="" type="checkbox"/> Over Supply		<input type="checkbox"/> Vacant (>5%)		100-150 Pred 35-45		Comm'l 20 %	
Marketing time: <input type="checkbox"/> Under 3 Mos. <input checked="" type="checkbox"/> 3-6 Mos. <input type="checkbox"/> Over 6 Mos.						5 %	
Market Area Boundaries, Description, and Market Conditions (including support for the above characteristics and trends): Subject is bounded to the north by Charleston Blvd., to the east by Fremont St., to the west by Las Vegas Blvd., and to the south by Sahara Ave. The subject is located in the central portion of the Las Vegas valley and is approximately 2-3 miles from the downtown business district and "Strip" employment centers. Average access to local public conveniences. Average overall maintenance levels. No detrimental influences at the time of inspection. Sales have decreased in the last year while inventory continues to rise. Foreclosures and short sales are becoming more common in the current market. Sellers must be realistic when pricing properties and be willing to market aggressively. Listing and pending sales are emphasized and only the most current closed sales are considered reliable in this changing market.							
Dimensions: 55 x 113		Site Area: 6,215 SQ.FT.					
Zoning Classification: R-1		Description: SINGLE FAMILY					
Zoning Compliance: <input checked="" type="checkbox"/> Legal		<input type="checkbox"/> Legal nonconforming (grandfathered) <input type="checkbox"/> Illegal <input type="checkbox"/> No zoning					
Are CC&Rs applicable? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		Have the documents been reviewed? <input type="checkbox"/> Yes <input type="checkbox"/> No					
Highest & Best Use as improved: <input checked="" type="checkbox"/> Present use, or <input type="checkbox"/> Other use (explain)		Ground Rent (if applicable) \$ /					
Actual Use as of Effective Date: SINGLE FAMILY		Use as appraised in this report: SINGLE FAMILY					
Summary of Highest & Best Use: THE HIGHEST AND BEST USE OF THE SUBJECT PROPERTY AS IMPROVED (OR AS PROPOSED PER PLANS AND SPECIFICATIONS, LAND USES, ETC.) IS AS A SINGLE FAMILY RESIDENCE.							
Utilities		Public		Other		Provider/Description	
Electricity		<input checked="" type="checkbox"/>		<input type="checkbox"/>		Off-site Improvements Type	
Gas		<input checked="" type="checkbox"/>		<input type="checkbox"/>		Street ASPHALT	
Water		<input checked="" type="checkbox"/>		<input type="checkbox"/>		Curb/Gutter CONCRETE	
Sanitary Sewer		<input checked="" type="checkbox"/>		<input type="checkbox"/>		Sidewalk CONCRETE	
Storm Sewer		<input type="checkbox"/>		<input type="checkbox"/>		Street Lights ADEQUATE	
						Alley NONE/TYPICAL	
Other site elements: <input type="checkbox"/> Inside Lot <input checked="" type="checkbox"/> Corner Lot <input type="checkbox"/> Cul de Sac <input type="checkbox"/> Underground Utilities <input type="checkbox"/> Other (describe)						Topography BUILT-UP PAD	
FEMA Spec'l Flood Hazard Area <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FEMA Flood Zone X						Size TYPICAL FOR DEVELOPMNT	
FEMA Map # 32003C 2170E						Shape RECTANG/SEE PLAT	
FEMA Map Date 9/02						Drainage ADEQUATE	
Site Comments: THIS SITE IS TYPICAL OF THE NEIGHBORHOOD IN TERMS OF SIZE AND APPEAL, WITH NO READILY APPARENT EASEMENTS OR ENCROACHMENTS. IN SHORT, A CONFORMING SITE THAT PROVIDES A SUITABLE SETTING.						View RESIDENTIAL	
General Description		Exterior Description		Foundation		Basement <input checked="" type="checkbox"/> None	
# of Units 1 <input type="checkbox"/> Acc. Unit		Foundation CONCRETE		Slab CONCRETE		Area Sq. Ft. N/A	
# of Stories 1		Exterior Walls STUCCO		Crawl Space NO		% Finished	
Type <input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/>		Roof Surface BUILT-UP		Basement NO		Ceiling	
Design (Style) 1-STORY		Gutters & Dwnspnts. NONE		Sump Pump <input type="checkbox"/> N/A		Walls	
<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Und.Cons.		Window Type SLID. ALUM		Dampness <input type="checkbox"/> N/A		Floor	
Actual Age (Yrs.) 55		Storm/Screens YES		Settlement N/A		Outside Entry	
Effective Age (Yrs.) 55				Infestation N/A			
Interior Description		Appliances		Attic <input type="checkbox"/> None		Amenities	
Floors CER/CPT/AVG		Refrigerator <input type="checkbox"/>		Stairs <input type="checkbox"/>		Fireplace(s) # NONE	
Walls DRYWALL/AVG		Range/Oven <input checked="" type="checkbox"/>		Drop Stair <input type="checkbox"/>		Patio COVD	
Trim/Finish PAINT/AVERAGE		Disposal <input type="checkbox"/>		Scuttle <input checked="" type="checkbox"/>		Deck NONE	
Bath Floor CERAMIC/AVG		Dishwasher <input type="checkbox"/>		Doorway <input type="checkbox"/>		Porch NONE	
Bath Wainscot CERAMIC/AVG		Fan/Hood <input checked="" type="checkbox"/>		Floor <input type="checkbox"/>		Fence CHAIN	
Doors RAISED PANEL/AVG		Microwave <input type="checkbox"/>		Heated <input type="checkbox"/>		Pool NONE	
		Washer/Dryer <input type="checkbox"/>		Finished <input type="checkbox"/>			
						Car Storage <input checked="" type="checkbox"/> None	
						Garage # of cars (2 Tot.)	
						Attach.	
						Detach.	
						Bit-In	
						Carport	
						Driveway 2	
						Surface CONCRETE	
Finished area above grade contains: 4 Rooms		2 Bedrooms		1 Bath(s)		718 Square Feet of Gross Living Area Above Grade	
Additional features: CHAINLINK FENCING, COVERED PATIO, VERTICAL BLINDS.							
Describe the condition of the property (including physical, functional and external obsolescence): THE PROPERTY IS IN OVERALL AVERAGE CONDITION. NO REPAIRS, RENOVATIONS OR REMODELING NEEDED.							

RESIDENTIAL APPRAISAL SUMMARY REPORT

Case 08-24581-lbr Doc 21 Entered 01/29/09 11:19:38 Page 6 of 16

File No.: 081207

My research ☐ did ☒ did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Data Source(s): MLS/COUNTY RECORDS

1st Prior Subject Sale/Transfer
Date: 6/20/06
Price: \$170,000
Source(s): COUNTY RECORDS
2nd Prior Subject Sale/Transfer
Date: NONE

Analysis of sale/transfer history and/or any current agreement of sale/listing: THE SUBJECT PROPERTY TRANSFERRED 6/20/06 FOR \$170,000.

Source(s): COUNTY RECORDS

SALES COMPARISON APPROACH TO VALUE (if developed) ☐ The Sales Comparison Approach was not developed for this appraisal.

FEATURE	SUBJECT	COMPARABLE SALE # 1	COMPARABLE SALE # 2	COMPARABLE SALE # 3
Address	2132 FRANKLIN AVENUE LAS VEGAS, NV 89104	1713 ARDMORE STREET APN: 162-01-310-125	1900 EUCLID AVENUE APN: 162-01-310-110	2416 HOWARD DRIVE APN: 162-01-311-060
Proximity to Subject		0.29 miles S	0.40 miles S	0.42 miles SE
Sale Price	\$ N/A	\$ 50,000	\$ 68,000	\$ 57,500
Sale Price/GLA	/sq.ft.	\$ 71.63 /sq.ft.	\$ 66.67 /sq.ft.	\$ 58.20 /sq.ft.
Data Source(s)	INSPECTION	DOC# 20081010-00402/TXSTR	DOC# 20081009-02698/TXSTR	DOC# 20081024-01057/TXSTR
Verification Source(s)	COUNTY RECS	MLS# 827793 DOM 119	MLS# 833432 DOM 118	MLS# 864540 DOM 24
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION + (-) \$ Adjust.	DESCRIPTION + (-) \$ Adjust.	DESCRIPTION + (-) \$ Adjust.
Sales or Financing				
Concessions	N/A	CASH	CONV	CASH
Date of Sale/Time	INSP. 12/08	COE 10/10/08	COE 10/09/08	COE 10/24/08
Rights Appraised	FEE SIMPLE	FEE SIMPLE	FEE SIMPLE	FEE SIMPLE
Location	AVERAGE	AVERAGE	AVERAGE	AVERAGE
Site	6,215 SQ.FT.	6,240 SQ.FT.	7,560 SQ.FT.	6,000 SQ.FT.
View	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
Design (Style)	1-STORY	1-STORY	1-STORY	1-STORY
Quality of Construction	AVERAGE	AVERAGE	AVERAGE	AVERAGE
Age	55	55	55	53
Condition	AVERAGE	AVERAGE	AVERAGE	AVERAGE
Above Grade	Total Bdrms Baths	Total Bdrms Baths	Total Bdrms Baths	Total Bdrms Baths
Room Count	4 2 1	4 2 1	5 2 1	5 3 1
Gross Living Area	718 sq.ft.	698 sq.ft.	1,020 sq.ft.	988 sq.ft.
Basement & Finished	N/A	N/A	N/A	N/A
Rooms Below Grade	N/A	N/A	N/A	N/A
Functional Utility	AVERAGE	AVERAGE	AVERAGE	AVERAGE
Heating/Cooling	FAU/CENTRAL	FAU/CENTRAL	FAU/CENTRAL	FAU/CENTRAL
Energy Efficient Items	STANDARD	STANDARD	STANDARD	STANDARD
Garage/Carport	NONE	NONE	NONE	CARPORT
Porch/Patio/Deck	PCH,PAT,L/S	PCH,PAT,L/S	PCH,PAT,L/S	PCH,PAT,L/S
Net Adjustment (Total)				
Adjusted Sale Price				
of Comparables		\$ 50,000	\$ 57,000	\$ 47,500

Summary of Sales Comparison Approach ALL SALES ARE SIMILAR QUALITY HOMES LOCATED IN THE SUBJECT SUBMARKET. SALES 2 AND 3 ARE SUPERIOR TO SUBJECT DUE TO GROSS LIVING AREA. SALE 2 IS ALSO SUPERIOR DUE TO SITE SIZE. SALE 3 IS ALSO SUPERIOR DUE TO PARKING FACILITIES. SEE ATTACHED ADDENDA.

Indicated Value by Sales Comparison Approach \$ 50,000

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RESIDENTIAL APPRAISAL SUMMARY REPORT

Case 08-24581-lhr Doc 21 Entered 01/29/09 11:19:38 Page 7 of 16

Page #5

File No.: 081207

COST APPROACH TO VALUE (If developed)

☒ The Cost Approach was not developed for this appraisal.

Provide adequate information for replication of the following cost figures and calculations.

Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value): N/A

Source of cost data:

Quality rating from cost service:

Effective date of cost data:

DWELLING

Sq.Ft. @ \$ = \$

Sq.Ft. @ \$ = \$

Sq.Ft. @ \$ = \$

Sq.Ft. @ \$ = \$

Sq.Ft. @ \$ = \$

Sq.Ft. @ \$ = \$

Garage/Carport

Sq.Ft. @ \$ = \$

Total Estimate of Cost-New

= \$

Less

Physical

Functional

External

Depreciation

= \$()

Depreciated Cost of Improvements

= \$

"As-is" Value of Site Improvements

= \$

= \$

= \$

= \$

Estimated Remaining Economic Life (if required):

25 Years

INDICATED VALUE BY COST APPROACH

N/A

INCOME APPROACH TO VALUE (If developed)

☒ The Income Approach was not developed for this appraisal.

Estimated Monthly Market Rent \$

N/A

X Gross Rent Multiplier

= \$

Indicated Value by Income Approach

Summary of Income Approach (including support for market rent and GRM):

PROJECT INFORMATION FOR PUDs (If applicable)

☐ The Subject is part of a Planned Unit Development.

Legal Name of Project:

Describe common elements and recreational facilities:

Indicated Value by: Sales Comparison Approach \$ 50,000

Cost Approach (If developed) \$ N/A

Income Approach (If developed) \$ N/A

Final Reconciliation THE SALES COMPARISON APPROACH BEST INDICATES MARKET VALUE AS DESCRIBED IN THE REPORT.

This appraisal is made ☒ "as is", ☐ subject to completion per plans and specifications on the basis of a Hypothetical Condition that the improvements have been completed, ☐ subject to the following repairs or alterations on the basis of a Hypothetical Condition that the repairs or alterations have been completed, ☐ subject to the following required inspection based on the Extraordinary Assumption that the condition or deficiency does not require alteration or repair: Subject is marketable "as is" and no repairs or alterations are required. See attached addenda.

☐ This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.

Based on the degree of inspection of the subject property, as indicated below, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is: \$ 50,000, as of: DECEMBER 16, 2008, which is the effective date of this appraisal. If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.

A true and complete copy of this report contains _____ pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report.

Attached Exhibits:

☒ Scope of Work

☒ Limiting Cond./Certifications

☒ Narrative Addendum

☒ Photograph Addenda

☒ Sketch Addendum

☐ Map Addenda

☐ Additional Sales

☐ Cost Addendum

☐ Flood Addendum

☐ Manuf. House Addendum

☐ Hypothetical Conditions

☐ Extraordinary Assumptions

☐

☐

☐

Client Contact:

Client Name: MANUEL CAMACHO

E-Mail:

Address: 2132 FRANKLIN AVENUE, LAS VEGAS, NV 89104

APPRAISER

SUPERVISORY APPRAISER (if required)
or CO-APPRAISER (if applicable)

Appraiser Name: TRISTA CATER

Company: C & R APPRAISAL COMPANY

Phone: 702-278-6099

Fax:

E-Mail: TRISTA5@COX.NET

Date of Report (Signature): DECEMBER 19, 2008

License or Certification #: A.0001127-RES

State: NV

Designation: LICENSED RESIDENTIAL APPRAISER

Expiration Date of License or Certification: 6/30/2009

Inspection of Subject:

☒ Interior & Exterior

☐ Exterior Only

☐ None

Date of Inspection:

DECEMBER 16, 2008

Supervisory or
Co-Appraiser Name:

Company:

Phone:

Fax:

E-Mail:

Date of Report (Signature):

License or Certification #:

State:

Designation:

Expiration Date of License or Certification:

Inspection of Subject:

☐ Interior & Exterior

☐ Exterior Only

☐ None

Date of Inspection:

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Assumptions, Limiting Conditions & Scope of Work

File No.: 081207

Property Address: 2132 FRANKLIN AVENUE City: LAS VEGAS State: NV Zip Code: 89104
 Client: MANUEL CAMACHO Address: 2132 FRANKLIN AVENUE, LAS VEGAS, NV 89104
 Appraiser: TRISTA CATER Address:

STATEMENT OF ASSUMPTIONS & LIMITING CONDITIONS

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- The appraiser may have provided a sketch in the appraisal report to show approximate dimensions of the improvements, and any such sketch is included only to assist the user of the report in visualizing the property and understanding the appraiser's determination of its size. Unless otherwise indicated, a Land Survey was not performed.
- If so indicated, the appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- If the cost approach is included in this appraisal, the appraiser has estimated the value of the land in the cost approach at its highest and best use, and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used. Unless otherwise specifically indicated, the cost approach value is not an insurance value, and should not be used as such.
- The appraiser has noted in the appraisal report any adverse conditions (including, but not limited to, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property, or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property, or adverse environmental conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
- If this appraisal is indicated as subject to satisfactory completion, repairs, or alterations, the appraiser has based his or her appraisal report and valuation conclusion on the assumption that completion of the improvements will be performed in a workmanlike manner.
- An appraiser's client is the party (or parties) who engage an appraiser in a specific assignment. Any other party acquiring this report from the client does not become a party to the appraiser-client relationship. Any persons receiving this appraisal report because of disclosure requirements applicable to the appraiser's client do not become intended users of this report unless specifically identified by the client at the time of the assignment.
- The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public, through advertising, public relations, news, sales, or by means of any other media, or by its inclusion in a private or public database.
- An appraisal of real property is not a 'home inspection' and should not be construed as such. As part of the valuation process, the appraiser performs a non-invasive visual inventory that is not intended to reveal defects or detrimental conditions that are not readily apparent. The presence of such conditions or defects could adversely affect the appraiser's opinion of value. Clients with concerns about such potential negative factors are encouraged to engage the appropriate type of expert to investigate.

The Scope of Work is the type and extent of research and analyses performed in an appraisal assignment that is required to produce credible assignment results, given the nature of the appraisal problem, the specific requirements of the intended user(s) and the intended use of the appraisal report. Reliance upon this report, regardless of how acquired, by any party or for any use, other than those specified in this report by the Appraiser, is prohibited. The Opinion of Value that is the conclusion of this report is credible only within the context of the Scope of Work, Effective Date, the Date of Report, the Intended User(s), the Intended Use, the stated Assumptions and Limiting Conditions, any Hypothetical Conditions and/or Extraordinary Assumptions, and the Type of Value, as defined herein. The appraiser, appraisal firm, and related parties assume no obligation, liability, or accountability, and will not be responsible for any unauthorized use of this report or its conclusions.

Additional Comments (Scope of Work, Extraordinary Assumptions, Hypothetical Conditions, etc.):

Property Address: 2132 FRANKLIN AVENUE	City: LAS VEGAS	File No.: 081207
Client: MANUEL CAMACHO	Address: 2132 FRANKLIN AVENUE, LAS VEGAS, NV 89104	State: NV Zip Code: 89104
Appraiser: TRISTA CATER	Address:	

APPRAISER'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The credibility of this report, for the stated use by the stated user(s), of the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I did not base, either partially or completely, my analysis and/or the opinion of value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property, or of the present owners or occupants of the properties in the vicinity of the subject property.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification.

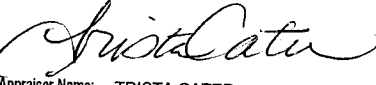
Additional Certifications:

DEFINITION OF MARKET VALUE *:

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

* This definition is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, dated October 27, 1994.

Client Contact:	Client Name: MANUEL CAMACHO
E-Mail:	Address: 2132 FRANKLIN AVENUE, LAS VEGAS, NV 89104
APPRAISER	SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)
	
Appraiser Name: TRISTA CATER	Supervisory or Co-Appraiser Name:
Company: C & R APPRAISAL COMPANY	Company:
Phone: 702-278-6099 Fax:	Phone: Fax:
E-Mail: TRISTA5@COX.NET	E-Mail:
Date Report Signed: DECEMBER 19, 2008	Date Report Signed:
License or Certification #: A.0001127-RES State: NV	License or Certification #: State:
Designation: LICENSED RESIDENTIAL APPRAISER	Designation:
Expiration Date of License or Certification: 6/30/2009	Expiration Date of License or Certification:
Inspection of Subject: <input checked="" type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None	Inspection of Subject: <input type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None
Date of Inspection: DECEMBER 16, 2008	Date of Inspection:

GP RESIDENTIAL

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Supplemental Addendum

File No. 081207

Borrower/Client	N/A				
Property Address	2132 FRANKLIN AVENUE				
City	LAS VEGAS	County	CLARK	State	NV Zip Code 89104
Client	MANUEL CAMACHO				

• **URAR: Neighborhood Market Factors**

Las Vegas has a tourist-based economy. The service industry, which includes hotels, gaming, and recreation, accounts for over 30% of the employment within the city. Nellis Air Force Base, the Nevada Test Site, and several industrial and manufacturing plants are other major sources of employment. Also included are the secondary levels of support employment that are necessary for a community with the size and population of the Las Vegas area. Growth in the Las Vegas valley remains constant adding to employment stability, and in turn, adding to the city's appeal.

Most of the competition for the subject will come from new tract development. Due to the tremendous growth in the Las Vegas Valley, new development will directly compete with both existing and other new development. The subject neighborhood is consistent with other competitive neighborhoods within the Las Vegas Valley and demonstrates a similar overall marketability to those areas.

• **URAR: Sales Comparison Comments**

After all adjustments were made, a reasonable range of indicated values was found. None of the sales stands well alone as an indicator of value, but collectively they support each other and the value conclusion. Gross and net percentage adjustments are small and attest to the comparability of the sales.

This submarket was searched extensively and the comparable sales selected are considered the most similar to the subject in the current time frame. Any comparable which sold/closed escrow more than six months from the date of inspection was used due to a lack of any better/more recent sales in this submarket. Furthermore, any dated sale used is still a reliable indicator of current market value. All of the comparable sales are from within the subject subdivision or from the most proximate competing market areas. All line item adjustments are either market extracted and represent what informed purchasers are willing to pay for those items, or, when ideal "matched pair" sales are unavailable and no market extraction is possible, adjustments are derived from the cost new of the item, less all forms of depreciation. No value has been assigned to any personal property or any fixture not permanently attached.

In order to develop a reasonable analysis for the value of the property, a review of sales data from several sources was conducted. This investigation included the Multiple Listing Service as well as the county records and appraiser's files. Competing listings were also reviewed to determine the current competition and establish the upper limits of value in this submarket. The information provided herein is deemed to be accurate based on the sources cited.

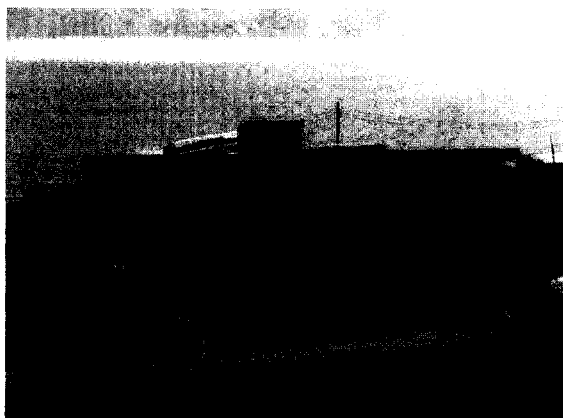
• **URAR: Final Reconciliation**

Greatest weight has been placed on the Sales Comparison Analysis as the actions of buyers and sellers are reflected therein. The Cost Approach gives added support of the value conclusion indicated by the Sales Comparison Approach. There is insufficient rental data to produce consistent conclusions about market rent and gross rent multipliers and, therefore, the Income Approach was omitted. I am aware of the changes made by USPAP to the appraiser's certification and will abide by those changes. I have no bias in respect to the subject property.

Subject Photos

Borrower/Client	N/A				
Property Address	2132 FRANKLIN AVENUE				
City	LAS VEGAS	County	CLARK	State	NV Zip Code 89104
Client	MANUEL CAMACHO				

Subject Front



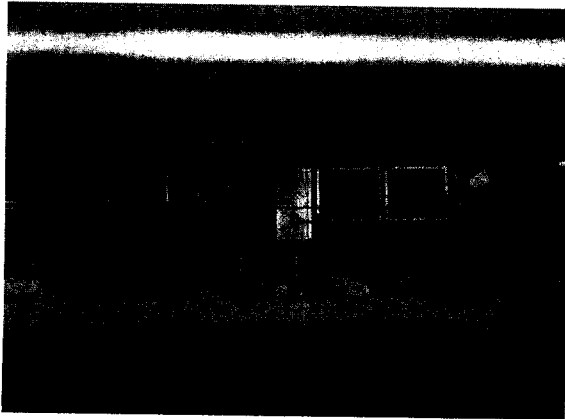
Subject Rear



Subject Street



Borrower/Client	N/A				
Property Address	2132 FRANKLIN AVENUE				
City	LAS VEGAS	County	CLARK	State	NV
Client	MANUEL CAMACHO	Zip Code	89104		



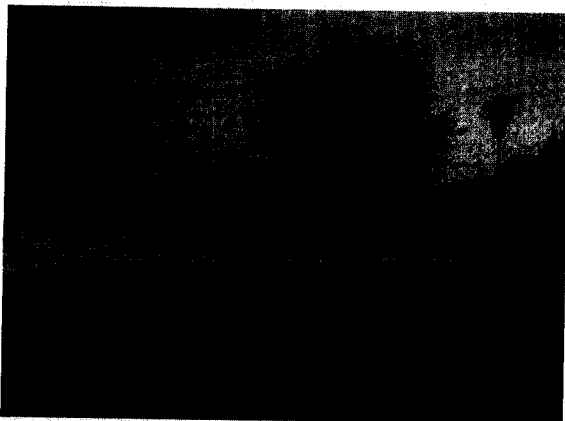
Comparable 1

1716 ALAMODE STREET



Comparable 2

1900 EUCLID AVENUE

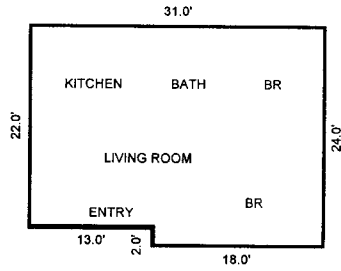


Comparable 3

2416 HOWARD DRIVE

Building Sketch

Borrower/Client	N/A				
Property Address	2132 FRANKLIN AVENUE				
City	LAS VEGAS	County	CLARK	State	NV
Zip Code	89104				
Client	MANUEL CAMACHO				



Sketch by Apex IV™

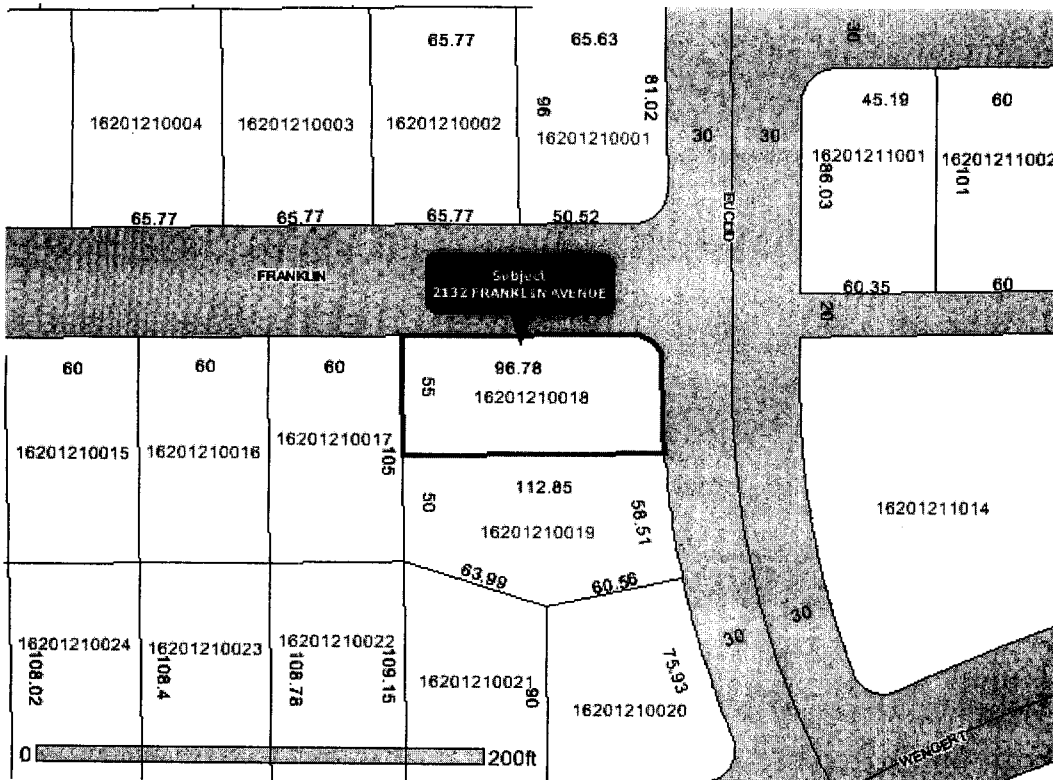
Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Size	Net Totals
GLA1	Living Area	718.00	718.00
TOTAL LIVABLE (rounded)		718	

LIVING AREA BREAKDOWN		
Breakdown	Subtotals	
Living Area		
22.0 x 31.0	682.00	
2.0 x 18.0	36.00	
2 Calculations Total (rounded)	718	

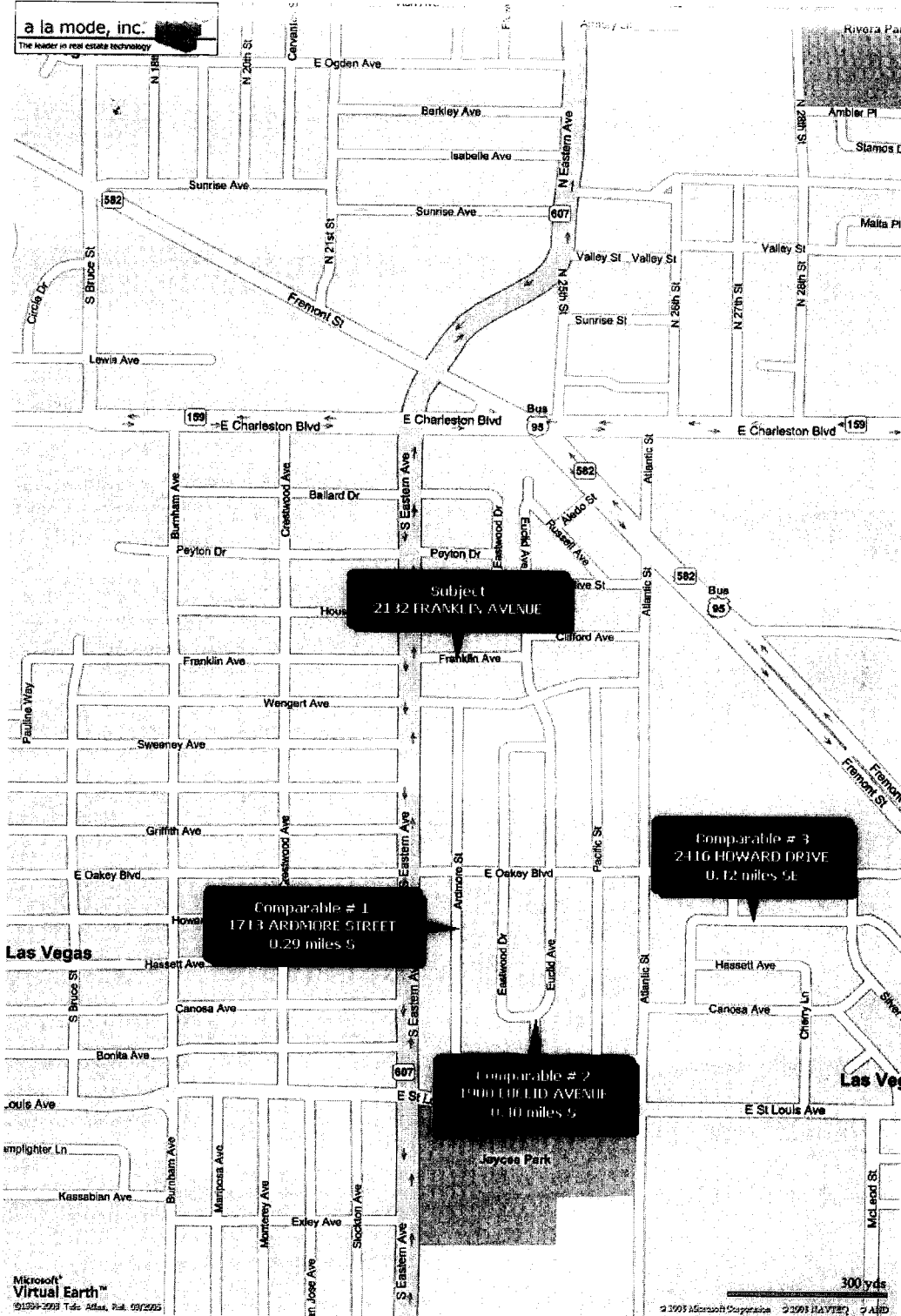
Site Map

Borrower/Client	N/A				
Property Address	2132 FRANKLIN AVENUE				
City	LAS VEGAS	County	CLARK	State	NV Zip Code 89104
Client	MANUEL CAMACHO				



Location Map

Borrower/Client	N/A				
Property Address	2132 FRANKLIN AVENUE				
City	LAS VEGAS	County	CLARK	State	NV
Client	MANUEL CAMACHO		Zip Code	89104	



LICENSE

APPRAISER LICENSE

STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY

NOT TRANSFERABLE

REAL ESTATE DIVISION

NOT TRANSFERABLE

This is to Certify That: TRISTIA R CATHER

License Number: A 0001127-RES

is duly authorized to act as a LICENSED RESIDENTIAL APPRAISER from the issue date to the expiration date at the business address stated herein, unless the license is sooner revoked, cancelled, withdrawn, or invalidated.

Issue Date: July 13, 2007

Expire Date: June 30, 2009

In witness whereof, THE DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION, by virtue of the authority vested in it by Chapter 650A of the Nevada Revised Statutes, has caused this license to be issued with its Seal printed thereon. This license must be conspicuously displayed in place of business.

FOR: TRISTIA ROMERO/C & R APPRAISAL CO
6805 HAVEN HOLLOW AVENUE
LAS VEGAS, NV 89130

REAL ESTATE DIVISION

GABRIEL ANDERSON

